



# THE FLORIDA LEGISLATURE



May 7, 2009

The Honorable Jeff Atwater  
President of the Senate

The Honorable Larry Cretul  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS/SB 2198, 1st Eng., same being:

An act relating to tobacco settlement agreements

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

**Managers on the part of the Senate**

<i>Senator JD Alexander, Chair</i>	<i>Senator Ted Deutch, Vice Chair</i>
<i>Senator Thad Altman, At Large</i>	<i>Senator Dave Aronberg</i>
<i>Senator Carey Baker</i>	<i>Senator Michael S. “Mike” Bennett</i>
<i>Senator Larcenia J. Bullard</i>	<i>Senator Lee Constantine</i>
<i>Senator Victor D. Crist</i>	<i>Senator Charles S. “Charlie” Dean, Sr.</i>
<i>Senator Nancy C. Detert</i>	<i>Senator Alex Diaz de la Portilla</i>
<i>Senator Paula Dockery</i>	<i>Senator Mike Fasano</i>
<i>Senator Don Gaetz</i>	<i>Senator Rudy Garcia</i>
<i>Senator Andy Gardiner</i>	<i>Senator Dan Gelber</i>
<i>Senator Mike Haridopolos, At Large</i>	<i>Senator Anthony C. “Tony” Hill, Sr.</i>
<i>Senator Dennis L. Jones, D.C.</i>	<i>Senator Arthenia L. Joyner</i>
<i>Senator Charlie Justice</i>	<i>Senator James E. “Jim” King, Jr.</i>
<i>Senator Alfred “Al” Lawson, Jr., At Large</i>	<i>Senator Evelyn J. Lynn</i>
<i>Senator Steve Oelrich</i>	<i>Senator Durell Peaden, Jr.</i>
<i>Senator Ken Pruitt</i>	<i>Senator Nan H. Rich</i>
<i>Senator Garrett S. Richter</i>	<i>Senator Jeremy Ring</i>
<i>Senator Gary Siplin</i>	<i>Senator Christopher L. “Chris” Smith</i>
<i>Senator Eleanor Sobel</i>	<i>Senator Ronda Storms</i>
<i>Senator J. Alex Villalobos</i>	<i>Senator Frederica S. Wilson</i>
<i>Senator Stephen R. Wise</i>	

**Managers on the part of the House of Representatives**

<i>Representative David Rivera, Chair</i>	<i>Representative Marcelo Llorente, Chair</i>
<i>Representative Sandra Adams</i>	<i>Representative Janet H. Adkins</i>
<i>Representative Kevin C. Ambler</i>	<i>Representative Thomas Anderson</i>
<i>Representative Gary Aubuchon</i>	<i>Representative Leonard L. Bembry</i>
<i>Representative Ellyn Setnor Bogdanoff, At Large</i>	<i>Representative Esteban L. Bovo, Jr.</i>
<i>Representative Debbie Boyd</i>	<i>Representative Mary Brandenburg</i>
<i>Representative Oscar Braynon II</i>	<i>Representative Ronald A. Brisé</i>
<i>Representative Dwight M. Bullard</i>	<i>Representative Rachel V. Burgin</i>
<i>Representative Dean Cannon, At Large</i>	<i>Representative Jennifer Carroll</i>
<i>Representative Gwyndolen Clarke-Reed</i>	<i>Representative Marti Coley</i>
<i>Representative Steve Crisafulli</i>	<i>Representative Faye B. Culp</i>
<i>Representative Carl J. Domino</i>	<i>Representative Chris Dorworth</i>
<i>Representative Brad Drake</i>	<i>Representative Eric Eisnaugle</i>
<i>Representative Greg Evers</i>	<i>Representative Adam M. Fetterman</i>
<i>Representative Keith Fitzgerald</i>	<i>Representative Anitere Flores</i>
<i>Representative Clay Ford</i>	<i>Representative Erik Fresen</i>
<i>Representative James C. Frishe</i>	<i>Representative Bill Galvano, At Large</i>
<i>Representative Joseph A. Gibbons</i>	<i>Representative Audrey Gibson</i>

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*Representative Richard Glorioso*

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*Representative Adam Hasner, At Large*

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*Representative Bill Heller*

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*Representative Ed Homan*

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*Representative Mike Horner*

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*Representative Dorothy L. Hukill*

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*Representative Kurt Kelly*

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*Representative Paige Kreegel*

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*Representative Janet C. Long*

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*Representative Debbie Mayfield*

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*Representative Seth McKeel*

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*Representative Peter Nehr*

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*Representative H. Marlene O'Toole*

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*Representative Jimmy Patronis*

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*Representative Scott Plakon*

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*Representative Ralph Poppell*

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*Representative William L. Proctor*

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*Representative Lake Ray*

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*Representative Betty Reed*

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*Representative Kenneth L. Roberson*

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*Representative Denise Grimsley*

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*Representative D. Alan Hays*

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*Representative Doug Holder*

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*Representative Ed Hooper*

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*Representative Matt Hudson*

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*Representative Mia L. Jones*

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*Representative Martin David Kiar*

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*Representative John Legg*

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*Representative Carlos Lopez-Cantera, At Large*

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*Representative Charles McBurney*

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*Representative Dave Murzin*

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*Representative Bryan Nelson*

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*Representative Mark S. Pafford*

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*Representative Pat Patterson*

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*Representative Juan-Carlos Planas*

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*Representative Stephen L. Precourt*

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*Representative Kevin J. G. Rader*

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*Representative Ron Reagan, At Large*

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*Representative Ronald Renuart*

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*Representative Yolly Roberson*

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*Representative Hazelle P. Rogers*

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*Representative Maria Sachs*

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*Representative Robert C. Schenck*

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*Representative Elaine J. Schwartz*

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*Representative William D. Snyder*

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*Representative Kelli Stargel*

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*Representative Dwayne L. Taylor*

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*Representative Geraldine F. Thompson*

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*Representative Perry E. Thurston, At Large*

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*Representative Baxter G. Troutman*

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*Representative Will W. Weatherford*

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*Representative Alan B. Williams*

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*Representative Juan C. Zapata*

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*Representative Darryl Ervin Rouson*

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*Representative Ron Saunders, At Large*

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*Representative Ron Schultz*

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*Representative Kelly Skidmore, At Large*

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*Representative Darren Soto*

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*Representative Richard L. Steinberg*

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*Representative Priscilla Taylor*

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*Representative Nicholas R. Thompson*

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*Representative John Tobia*

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*Representative Charles E. Van Zant*

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*Representative Michael B. Weinstein*

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*Representative Trudi K. Williams*

## SUMMARY OF CONFERENCE COMMITTEE ACTION

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May 7, 2009

The Conference Committee Amendment for CS/SB 2198, relating to Tobacco Settlement Agreements, provides for the following:

- This conference report covers cases resulting from the *Engle* class action lawsuit, which is being handled as individual cases for the purposes of determining damages. The class action involved about 9,000 plaintiffs, with over 3,000 individual cases (some involving multiple plaintiffs) that may move forward through the Florida courts.
- The amount of security in each case depends on the number of cases on appeal in the Florida courts. For the expected number of cases on appeal at any time in the near future (estimated in the dozens), the security will be \$5 million per case. Security amounts are adjusted downward as the number of cases on appeal increases so that the tobacco companies do not have to provide more than \$200 million total.

From # appeals	To # appeals	Amount per case (all security)	Maximum Total (all security)
1	40	\$5,000,000	\$200,000,000
41	80	\$2,500,000	\$200,000,000
81	100	\$2,000,000	\$200,000,000
101	150	\$1,333,333	\$199,999,950
151	200	\$1,000,000	\$200,000,000
201	300	\$666,667	\$200,000,100
301	500	\$400,000	\$200,000,000
501	1000	\$200,000	\$200,000,000
1001	2000	\$100,000	\$200,000,000
2001	3000	\$66,667	\$200,001,000

- When no appeal or review is pending in the Florida courts, and appeals are taken in the federal courts, the security limit in an individual appeal increases to 3 times the amount of the security that would be required for an appeal in the Florida courts.
- Stay of judgment is executed when any individual appellant provides security.
- The Clerk of the Florida Supreme Court holds the security, with fees and interest accruing to the State Courts Revenue Trust Fund.
- If a final judgment goes unpaid for 30 days, the plaintiff may claim the security in the plaintiff's case.
- The current statutory \$100 million cap on security for appeals against tobacco companies in smoking cases remains in effect for cases that are not *Engle* progeny.
- The security limits provided in this bill expires on December 31, 2012.